THE HON'BLE MR JUSTICE B.PRAKASH RAO

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2479 of 2005

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20th December 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02.11.2005 in W.P.NO.23524 OF 2005 on the file of the High Court.)

Between:

The Depot Manager, A.P.S.R.T.C., Huzurabad, Karimnagar District.

...APPELLANT

AND

P.L. Rao, S/o, Madhavarao,
Huzurabad, Karimnagar, District.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2479 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard the learned Standing Counsel appearing for the appellant/Corporation and the learned counsel appearing for the respondent. At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant/Corporation seeks to assail the order dated 02.11.2005 in W.P.No.23524 of 2005 filed at the instance of the respondent/employee, who sought a writ against the penalty of stoppage of annual increment for a period of six months with cumulative effect on certain allegations. Factually, on the ground that the respondent was unauthorisedly absent for duties, action was taken against him and orders were passed with penalty of stoppage of annual increment for a period of six months with cumulative effect. The same was challenged in the Writ Petition. While taking into consideration the fact that there was no departmental enquiry, the learned Single Judge opined that major punishment was imposed. Therefore, the punishment was varied with and instead of penalty of stoppage of annual increment

for a period of six months with cumulative effect; it was modified as penalty of stoppage of annual increment for a period of six months without cumulative effect.

Having regard to the fact that the said variation is purely discretionary, we are accepting the finding as arrived at by the learned Single Judge. We do not find any ground to interfere with the same.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(DR G.YETHIRAJULU, J)

20th December 2005

RRB